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AUG 27 2018

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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

SHERMAN DIVISION

**FILED**

AUG 28 2018

Clerk, U.S. District Court  
Texas Eastern

FEYSAL AYATI-GHAFFARI, (Ghaffari), )( CIVIL ACTION NO. 4:18cv617

PLAINTIFF - APPELANT, )(

V. )( ON APPEAL FROM Tex. S.C. 18-0412

JP MORGAN CHASE BANK, N.A., ("CHASE") )( COA #: 05-17-00482-cv

CHASE HOME FINANCE, LLC. et al. *Defendants.* )( TC#: 417-03108-2013

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EMERGENCY TRO 9/4/2018 PLAINTIFF'S NOTICE OF APPEAL REMOVAL PLUS

RES JUDICATA & COLLATRAL ESTOPPEL APPEAL FROM TEX. S.C. 18-0412

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Plaintiff files this notice of removal under 28 U.S.C. 1446(a).

A. Introduction

1. Plaintiff is Ghaffari; defendants is JPMorgan Chase Bank, and Chase Home Finance, LLC.
2. On 8/8/2013, plaintiff sued defendant for improper foreclosure, breach, quiet title, **TRO**.
3. Defendant was received Tex.S.C. Mandate notice of denial on August 17, 2018. Plaintiff filed this notice of removal within the 30 day time period required by 28 U.S.C. 1446(b).

SEE EXHIBIT 1 ATTACHED

B. Basis for Removal

4. Removal is proper because
  - a. Plaintiff foreclosure suit involves a federal question. 28 U.S.C. 1331, 1441(b); *Long v. Bando Mfg. of Am., Inc.*, 201 F.3d 754, 757-58 (6th Cir. 2000); *Peters v. Union Pac. R.R.*, 80 F.3d 257, 260 (8th Cir. 1996). Specifically, plaintiff's claim arises under the federal rules it must raise by Res Judicata 3 elements: a final judgment on the merits, with the same parties, in three cases 417-03108-2013[4:15-cv-248]&417-02714-2018 Res Judicata [4:18-cv-00483] and 417-04174-2018 criminal act of Double Jeopardy [4:18-cv-602] are based on the same property improper foreclosure action. *U.S. v. Wells*, 347 F.3d 280, 285 (8th Cir. 2003). Collateral Estoppel bars issues that have been litigated from being litigated again with the same parties 3 different times after times.
5. All defendants served with summons consent to the removal of this case to federal court.
6. Pleadings, order, and other filings in the state court action are attached to this notice as required by 28 U.S.C. 1446(a).
7. Venue is proper in this district under 28 U.S.C. 1441(a) because this district and division embrace the place where the removed action has been pending.
8. Plaintiff will file promptly a copy of this notice of removal with the clerk of the state court 417 where the action has been pending.

C. Conclusion

9. **Of Fraud.** On 2/19/2013 Loan 1304910843 Refinanced the 11/3/2008 Loan 1962674884 Consummated. In 3 days, no party cancelled. "Texas 72 hours Rescission Law" fully perfected on 2/22/2013. Release of Lien lawfully filed on 3/13/2013 automatically by operation of law. Chase 30 years mortgage **Breach** of 7/5/2013 made all written

contractual agreement null & void between parties is not enforceable, or it's subject to statutes of frauds. Fraud bars defendant's Chase second time unlawful foreclosures 5/3/2018 and the third time criminal Double-Jeopardy 8/14/2018 and defendant per Chase's own-statement given that it is not the 2013 Loan that Chase is seeking to foreclose. [Doc.23 P.ID#:219]#6 "Moreover, all issues and claims pertaining to the 2013 Loan are barred by the statute of limitation" so Chase has no Standing in the foreclosure case without proof of purchase Chase as a nonprevailing party has \$0.00 No- claim, \$0.00 No recovery, \$0.00 Loss doctrine & \$0.00 No-improper Foreclosure & \$0.00 No- Subject Matter for jury to decide, and has no arguable bases in court of law, in this no viable cause of action, and dismiss for lack of subject matter. Awarding Plaintiff who has a superior title since 2007, and is entitle to his quiet title with expungements and securitization in this missing mortgage discharge and Emergency-Injunction relief for 09/04/2018 Trustee-Sales demanded justify relief, and just.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 28th of August 2018, a true and correct copy of the foregoing document was served, via fax (214)871-2111 for Trustee-Sale of 09/04/2018 to Marcie Schout FOR the "QSLWM" & the "BPC" BONIAL & Associates, P.C.? 2001 Bryan street #1800 Dallas, Texas 75201.



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Feysal Ayati-Ghaffari